



Flathead County Planning & Zoning

40 11th Street West, Suite 220 Kalispell, MT 59901
Telephone 406.751.8200 Fax 406.751.8210



APPLICATION FOR A VARIANCE

Submit this application, all required information, and appropriate fee (see current fee schedule) to the Planning & Zoning office at the address listed above.

FEE ATTACHED \$ _____

Before completing this application please read instructions on page 4.

1. OWNER:

Name: Marion and Dusti Herring
Address: 17 Swan Way Phone: 406 471 6818
City/State/Zip: Bigfork, MT. 59911
Email: dustishipp@yahoo.com

INTEREST IN PROPERTY: building personal home on the lot.

2. APPLICANT: (If different from above)

Name: _____
Address: _____ Phone: _____
City/State/Zip: _____

3. TECHNICAL/PROFESSIONAL ASSISTANCE: (If applicable)

Name: _____
Address: _____ Phone: _____
City/State/Zip: _____
Email: _____

4. LOCATION OF PROPERTY FOR WHICH VARIANCE IS SOUGHT:

Physical Address: 152 Bjone Drive Bigfork MT. 59911

5. ZONING DISTRICT: Bigfork **ZONING DESIGNATION:** RC1

6. DATE PROPERTY ACQUIRED: August 2019

7. LEGAL DESCRIPTION:

Subdivision (if applicable) Eagle Bend 12 Lot/Tract(s) 130
Assessor # 0000978683 Section 26 Township 27N Range 20W

8. **REQUEST FOR A VARIANCE FROM THE PROVISIONS OF** (State Section, Part, and Paragraph of the Zoning Regulations):

Section 3:11:040 Part 3 Paragraph A.

9. **THIS IS A REQUEST FOR A VARIANCE IN RELATION TO THE PROVISIONS OF THE REGULATIONS** (check one below):

Area _____ Yard _____ Height _____
Coverage _____ Parking _____ Other ☒

10. **STATE SPECIFICALLY THE CHANGE(S) PROPOSED AND THE REASON(S) SUCH CHANGE(S) ARE NECESSARY** (use additional sheet if necessary):

We would like to change the set back from the street from 20ft. to 15ft. so that we can fit our house on the property.

11. **EXPLAIN HOW YOUR CASE CONFORMS TO EACH OF THE FOLLOWING REQUIREMENTS** (be complete, use additional sheet if necessary):

A. Strict compliance with the provisions of these regulations will:

i. Limit the reasonable use of the property,

Compliance with the provisions would limit us usable square footage and the ability to fit a reasonable sized garage on the property.

ii. Deprive the applicant of rights enjoyed by other properties similarly situated in the same district.

As we can tell other properties have similar situations in the neighborhood.

B. The hardship is the result of lot size, shape, topography, or other circumstance over which the applicant has no control.

The hardship is a result of the lot size and topography. The ~~the~~ lot is long and skinny with large rock outcroppings on one side and a cliff drop off on the other back side. These are topographic features we can not change.

C. The hardship is peculiar to the property.

The hardship is a very difficult lot as are several other lots in the neighborhood.

D. The hardship was not created by the applicant.

The rocks and cliff were already existing on the property and not created by us.

E. The hardship is not economic (where a reasonable or viable alternative exists).

The variance is not being asked for for economic reasons. The variance is being requested because there is not an alternative to pushing the home further away from the street due to the rock cliffs on the back side of the property.

F. Granting the variance will not adversely affect the neighboring properties or the public.

Granting us this variance will in no way impact our neighbors property. There is no home behind us or on either side of us.

G. The variance requested is the minimum variance, which will alleviate the hardship.

We do not know what the minimum variance is but feel that it is a minimum amount that we are asking for. By granting us the 15 ft. set back we will be able to fit our home on the lot and only the north east corner of the garage will be using the additional 5 ft.

H. Granting the variance will not confer a special privilege that is denied we are requesting.
other similar properties in the same district.

As far as we can tell granting us this variance will not confer a special privilege that any other neighbor has been denied.

12. ATTACH A PLOT PLAN OR DRAWING.

I hereby certify under penalty of perjury and the laws of the State of Montana that the information submitted herein, on all other submitted forms, documents, plans or any other information submitted as part of this application, to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be incorrect or untrue, I understand that any approval based thereon may be rescinded or other appropriate action taken. The signing of this application signifies approval for FCPZ staff to be present on the property for routine monitoring and inspection during the approval and development process.


Owner/Applicant Signature

8-5-20
Date

INSTRUCTIONS FOR VARIANCE APPLICATION

1. ANSWER ALL QUESTIONS. Answers should be clear and contain all the necessary information.
2. In answering Question 7, refer to the classification system in the Zoning Regulations and explain in detail the specific standards from which the applicant is seeking relief.
3. In answering Question 9, be specific and complete. In this and all other questions, if additional space is needed you may use additional paper, and list which section number you are continuing.
4. Answer Question 10, A-H completely and fully.
5. A copy of the plot plan or site plan must be submitted with each application (*Please include 6 copies if you submit a size larger than 11x17*).
6. A separate fee made out to 'GIS' for the 'Adjoining Property Owners List'. The list will be sent directly to the Planning & Zoning office and is valid for a period of 6 months from date generated. You may also get a certified adjoining landowners list from a title company if you choose.
7. A fee per the FCPZ schedule of fees for a variance application must be submitted with this application to cover the cost of necessary investigation, publication, mailing and processing procedures.

8-10-2020

Please change the requested 15'
set back to 18' set up. Thank You.

Marion & Dusti
Herring
406-471-6818



SCANNED